

SECOND REGULAR SESSION

# HOUSE BILL NO. 1835

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1<sup>st</sup> time February 6, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4388L.011

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### AN ACT

To repeal sections 256.468 and 256.471, RSMo, and to enact in lieu thereof two new sections relating to registered geologists.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 256.468 and 256.471, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 256.468 and 256.471, to read as follows:

256.468. 1. An applicant for certification as a registered geologist shall complete and  
2 sign a personal data form, prescribed and furnished by the board, and shall provide the  
3 appropriate application fee. The personal data of an individual shall be considered confidential  
4 information.

5 2. The applicant shall have graduated from a course of study satisfactory to the board and  
6 which includes at least thirty semester or forty-five quarter hours of credit in geology.

7 3. The applicant shall provide to the board a detailed summary of actual geologic work,  
8 documenting that the applicant meets the minimum requirements for registration as a geologist,  
9 including a demonstration that the applicant has at least three years of postbaccalaureate  
10 experience in the practice of geology.

11 4. [Except as provided in this section,] No applicant shall be certified unless he **or she**  
12 shall have passed an examination covering the fundamentals, principles and practices of geology  
13 prescribed or accepted by the board.

14 5. [The examination requirement of subsection 4 of this section shall be waived for those  
15 persons who were practicing geology on August 28, 1994, provided that application is made on  
16 or before October 1, 1995, and all applicable fees have been paid. All other requirements of

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 sections 256.450 to 256.483 must be satisfied.

18 6.] The examination requirement of subsection 4 of this section **may be waived by the**  
19 **board** and the course of study requirement of subsection 2 of this section shall be waived for  
20 persons who meet **all of** the following conditions:

21 (1) Are licensed professional engineers in accordance with the provisions of sections  
22 327.181 to 327.261, RSMo;

23 (2) Has provided the board a summary of the actual geologic work demonstrating that  
24 the applicant has at least [ten] **twenty** years of competent postbaccalaureate experience in the  
25 practice of geology; **and**

26 (3) Have made timely application and paid the applicable fees as provided in subsection  
27 5 of this section[; and

28 (4) Had their application denied by the board solely for failure to meet the course of  
29 study requirements as provided in subsection 2 of this section].

30

31 **Applicants who do not meet the requirements of this subsection may petition the board for**  
32 **licensure by examination pursuant to subsection 4 of this section.**

33 7. Any person, upon application to the board and demonstration that the person meets  
34 the requirements of subsections 1 and 2 of this section and has passed that portion of the  
35 professional examination covering the fundamentals of geology, shall be awarded the  
36 geologist-registrant in-training certificate. The geologist then may use the title  
37 "geologist-registrant in-training" subject to the limitations of sections 256.450 to 256.483.

38 8. The board shall deny registration to an applicant who fails to satisfy the requirements  
39 of this section. The board shall not issue a certificate of registration pending the disposition in  
40 this or another state of any complaint alleging a violation of this chapter or the laws, rules,  
41 regulations and code of professional conduct applicable to registered geologists and regulated  
42 geologic work of which violation the board has notice. An applicant who is denied registration  
43 shall be notified in writing within thirty days of the board's decision and the notice shall state the  
44 reason for denial of registration. Any person aggrieved by a final decision of the board on an  
45 application for registration may appeal that decision to the administrative hearing commission  
46 in the manner provided in section 621.120, RSMo.

47 9. The board shall issue an appropriate certificate evidencing the issuance of the  
48 certificate of registration upon payment of the applicable registration fee to any applicant who  
49 has satisfactorily met all the requirements of this section for registration as a geologist. Such  
50 certificate shall show the full name of the registrant, shall have a serial number, and shall be  
51 dated and signed by an appropriate officer of the board under the seal of the board.

52 10. The certificate seal shall be prima facie evidence that the person named therein is

53 entitled to all rights and privileges of a registered geologist under sections 256.450 to 256.483  
54 and to practice geology as an individual, firm or corporation while such certificate remains  
55 unrevoked or unexpired.

56 11. The board may issue a certificate of registration to any individual who has made  
57 application and provided proof of certification of registration from another state  
58 nongovernmental or governmental organization, or country, approved by the board, provided that  
59 the registration or licensing requirements are [substantially similar to] **identical to or more**  
60 **stringent than** the requirements of this section and the necessary fees have been paid. The  
61 board may require, by examination or other procedures, demonstration of competency pertaining  
62 to geologic conditions in Missouri.

63 12. The board shall reissue the certificate of registration of any registrant who, before  
64 the expiration date of the certificate and within a period of time and procedures established by  
65 the board, submits the required renewal application and fee.

66 13. The board, by rule, may establish conditions and fees for the reissuing of certificates  
67 of registration which have lapsed, expired, or have been suspended or revoked.

68 14. Registered geologists may purchase from the board, or other approved sources, a seal  
69 bearing the registered geologist's name, registration number, and the legend "Registered  
70 Geologist".

256.471. 1. Activities which are not regulated by sections 256.450 to 256.483 include  
2 work by employees or subordinates of a registered geologist, provided that such work does not  
3 include responsible charge of work, and such work is performed under the direct supervision of  
4 a registered geologist who shall be responsible for such work.

5 2. [The practice of geology affecting public health, safety, and welfare by officers and  
6 employees of the United States, solely as such officers and employees, shall not be regulated by  
7 sections 256.450 to 256.483.

8 3.] Work of engineering and other licensed professions including the acquisition of  
9 engineering data involving soil, rock, groundwater, and other earth materials and the use of these  
10 data for engineering analysis, design, and construction by professional engineers appropriately  
11 registered or licensed in Missouri is exempted from the provisions of sections 256.450 to  
12 256.483.

13 **3. Licensed professional engineers who have fifteen semester hours of geology**  
14 **course work and who have a master's degree in geotechnical engineering or who work for**  
15 **a firm legally authorized by the state that offers geotechnical or environmental engineering**  
16 **services may perform the practice of geology, as defined in section 256.453.**

17 4. [Work customarily performed by professionals such as chemists, archaeologists,  
18 geographers, speleologists, pedologists, and soil scientists is exempt from the provisions of

19 sections 256.450 to 256.483.

20       5.] The practice of geology not affecting public health, safety, and welfare within  
21 Missouri as determined by the board is exempt from the provisions of sections 256.450 to  
22 256.483. **Practice in other professions shall not include the practice of geology if it affects**  
23 **public health, safety, and welfare, except for licensed professionals working in their**  
24 **specialty, as defined in subsection 3 of this section.**